



## Marriage and PACS in France

**Disclaimer:** The information below relating to French legal requirements is provided for general information only and may not be totally accurate in a particular case. Questions involving interpretations of specific provisions or application to a specific case should be addressed to French government officials. The Embassy is not in a position to intercede with French authorities on behalf of Americans seeking exceptions from French marriage requirements or PACS requirements.

### Important notes:

- If you have questions on marriage in France, please contact the city hall (*mairie*) where you intend to be married, prior to contacting the Embassy.
- If you have made an online appointment to come to the Embassy for a notarial service, or to ask questions, you will be asked to present the list of documents that the city hall has given to you.
- For a PACS (*Pacte civil de solidarité*) please contact the *Tribunal d'Instance* in your area in order to obtain information and a list of required documents to be presented to the Embassy. (See page 6 for details.)

The following information is presented as a guide for American citizens contemplating marriage in France. Since each marriage is specific, the documentary requirements may vary. Although marriage statutes in the United States differ from state to state, a marriage performed in France under French law is recognized in all states. American diplomatic and consular officers do not have the legal authority to perform marriages. Marriages cannot be performed within the Embassy or within an American Consular Office in France.

It is **mandatory** that at least one of the parties to be married has resided in France for at least **forty (40) days** immediately preceding the marriage. **All Americans marrying in France must comply with this requirement.**

## Civil and religious ceremonies:

**Civil Ceremony:** To be legal, all marriages in France **must** be performed by a French civil authority, i.e., an *officier de l'état civil*, **before** any religious ceremony takes place. In practice, this means the mayor (*maire*) or his legally authorized representative, such as a deputy mayor (*adjoint*) or a town councilor (*conseiller municipal*) of the town must perform the marriage.

**Religious ceremony:** A religious ceremony may be performed after (never before) the civil ceremony. The minister, priest or rabbi performing the religious ceremony will require the certificate of civil marriage (*certificat de célébration civile*) as proof that the civil ceremony has taken place. In France a religious ceremony does not constitute a legal marriage.

## Visas –Residence Requirements – Place of Marriage

### Visas:

If you plan to marry a French citizen in France, but do not intend to settle in France after the marriage, you should apply for a short stay visa for a private visit to France. If granted, this visa will **not** allow you to settle in France, **nor** will you be able to change your visa status once in France. For information, check the [short stay visa information section](#) of the French Embassy.

If you plan to marry a French citizen in France and plan to settle in France, you should apply for a long stay visitor visa. Once the marriage has been celebrated, your visa will be modified to a residence card for a "spouse of French citizen." This will be done by the French local government office, *préfecture* nearest your place of residence in France. For information, check the [long stay visa information section](#) of the French Embassy.

For more information on French visas, please refer to the website of the [French Embassy](#) in Washington D.C.

### Residence Requirements:

**At least one of the contracting parties must have resided in France for forty (40) days continuously prior to the marriage:** the *mairie* (city hall) or town where the civil ceremony takes place is dictated by the place of residence. If both of the parties to marry meet the residence requirement, but resided in different districts, the civil ceremony may take place in either district of residence.

**In general, the 40-day residence requirement cannot be waived.** Only in very exceptional cases can this requirement be waived by a French district attorney (the *Procureur de la République*) for the district in which the marriage will take place. Unfortunately, this precludes a wedding in Paris in those cases where both parties are only visiting for a short stay. Please contact the French Consulate in the U.S. for further information.

#### **Publications of banns at the city hall (*mairie*):**

French law also requires the posting of marriage banns at the appropriate *mairie* no less than ten (10) days preceding the date of marriage. Some city or town halls (*mairie*) may require that the complete marriage file be presented as much as 10 or more days prior to the publication of banns. Please contact your *mairie* to obtain information on this timeframe. The first publication of the banns can be made only at the end of thirty (30) days of residence in France by one party to the marriage.

#### **Documentary requirements for marriage in France and services provided by the Embassy:**

It is very important that you first obtain information on all the documents required for marriage from the city hall (*mairie*), where you will be married since each city hall has specific requirements. Apart from a U.S. passport, French visa and/or French residence permit, and your U.S. birth certificate, there are two affidavits that are generally required by the French administration: *certificat de célibat ou de non-remariage* and the *certificat de coutume*. You must ask whether or not the city hall performing the marriage will accept the affidavits available at the Embassy.

Both affidavits are provided by the Consular Section of the Embassy in Paris by scheduling an online appointment for [notarial services](#). The forms to be completed will be provided at the time of your appointment. You must bring signed, photo identification and you will be asked to sign this document(s) in the presence of a consular officer.

#### **Fees for notarial services at the Embassy:**

Fees for notarial services at the Embassy for (the *certificat de célibat ou de non-remariage* and/or *certificat de coutume*) are \$50 for the first consular seal/signature. For each additional consular seal/signature a supplementary fee of \$50 will apply. (One document = \$50, additional documents will cost \$50 each.)

For notarial services provided at our consular offices located outside of Paris, please refer to: [Consulates and American Presence Posts in France](#).

## **List of documentary requirements for marriage in France:**

**Most *mairies* in France require some or all of the following documents.** Keep in mind that some city halls do not accept affidavits and have special requirements.

- 1. A valid U.S. passport, a French visa, and/or a French residence permit** (*carte de séjour*);
- 2. A birth certificate** (*extrait d'acte de naissance*) **less than 3-months-old;**

**Most city halls require that you present a certified copy of your U.S. birth certificate (less than 3-months old) affixed with the appropriate state issued [apostille](#), along with a certified translation.**

The federal government (U.S. Embassy) does not keep copies of certificates, files, or indexes with identifying information for vital records.

In order to obtain any state government issued document (birth, death, marriage or divorce), you may order one from the website of the [National Center for Health Statistics](#), or inquire about obtain these documents from the vital statistics office in the state that issued the certificate.

**Some states require that the signature on the application form for a U.S. birth certificate be notarized. Please visit our pages on [notarial services](#). No service fee will be charged in this case.**

You must obtain an official translation of U.S. birth certificates from a sworn translator (*traducteur assermenté*). Sworn translators are listed at every *mairie*. **The Embassy does not provide translation services, but provides a list of [certified translators](#).**

Some city halls may accept a notarized affidavit (*attestation d'identité et de nationalité*) executed before an American Consular officer in France. Because the information on American birth certificates differs from that provided on French birth certificates, individuals born in the U.S. must generally submit additional information about their marital status. The Embassy will charge notarial service fees for this affidavit.

- 3. An affidavit of marital status** (*certificat de célibat ou de non-remariage*) **less than 3-months-old;**

French city halls also usually require a certificate of celibacy. This can be done in the form of a notarized affidavit (*attestation tenant lieu de certificat de célibat ou de non-remariage*) provided by the Consular Section of the Embassy and executed before an American Consular officer in France.

#### **4. An affidavit of law (*certificat de coutume*):**

Some *mairies* may request an Affidavit of Law and Customs (*Certificat de Coutume*) in addition to the Affidavit of Marital Status. The Affidavit of Law and Customs is a statement about U.S. marriage laws, certifying that the American citizen is free to contract marriage in France and that the marriage will be recognized in the United States.

This can be done in the form of a notarized affidavit (*attestation tenant lieu de certificat de coutume*) provided by the Consular Section of the Embassy and executed before an American Consular officer in France. This document can be substituted for the official *certificat de coutume* for marriage purposes.

Please note that there are two types of affidavits of law depending on whether it is a first or second marriage. In most cases the city halls will accept the affidavit of law issued by the Embassy. (However, keep in mind that some city halls do **not** accept affidavits and may need an “official” affidavit of law issued by an [attorney or notaire](#) practicing in France and, if you choose an attorney, he or she must be licensed to practice in France and the United States. The Affidavit of Law is prepared on the basis of the attorney's examination of the individual's documentation (divorce decree, death certificate of spouse, etc.,) and verification and citation of the applicable marriage laws of the United States.)

#### **5. proof of domicile (*justificatifs de domicile*):**

You will need to present 2 proofs of French residence to the *mairie* in the city of marriage (i.e.: electricity or telephone bills, rent etc.)

#### **6. *certificat du notaire*:**

In addition to the above, if the parties to marriage opt for a prenuptial contract governing their respective properties (*régime du mariage*) the French notary preparing the contract will give the couple a certificate (*certificat du notaire*) which must be presented to the *mairie* as well.

### **Marriage certificate:**

Couples married in France automatically receive a *livret de famille*. This is a booklet which serves as an official record of a marriage and subsequent events in the family such as births, deaths, divorce or name changes. These events are all recorded in the *livret de famille* and are known as (mentions marginales). In France, the *livret de famille* is an official document.

It is also possible to obtain a marriage certificate (*extrait d'acte de mariage*) by writing to the *mairie* where the marriage took place. You must indicate:

- a) The date and place of the marriage; and
- b) The full names (including wife's maiden name) of the two parties. If the certificate is to be mailed in France, the request should be accompanied by a self-addressed, stamped envelope. If the certificate is to be mailed to a U.S. address, provide a self-addressed envelope with a International Postal coupon to cover international postage costs.

### **PACS (*Pacte Civil de Solidarité*)**

For a PACS (*Pacte civil de solidarité*) in France, you should contact the *Tribunal d'Instance* in your area in order to obtain information on required documents.

The PACS agreement exists in France for all couples. However, we cannot provide you with specific information concerning your questions since each case is specific and relates to French law. We suggest that you contact the French consulate in your country of residence or the French consulate nearest your residence in the United States.

Please see our general guidelines provided below:

The PACS agreement is only recognized by the French government. This agreement is NOT recognized in the United States and will not entitle the non-U.S. citizen to preferential visa status or U.S. citizenship.

The “Pacte Civil de Solidarité” law (“PACS,” or Civil Solidarity Pact), was passed by the French National Assembly in 1999. It offers all unmarried couples, same-sex and opposite-sex, a legal status carrying some but not all of the benefits of marriage. The act defines the PACS as “a contract concluded between two physical persons who have reached the age of majority, of different or the same gender, for the purposes of organizing their life in common.”

A foreign partner in a PACS with a French citizen can obtain a temporary residence permit (*permis de sejour*) **after a one-year waiting period. It is subject to annual renewal through the local mayor's office. After five years, a permis de sejour holder is eligible to apply for permanent residency** (which in France means a ten-year permit). Article 12 of the PACS law states that in

considering the grant of permanent residency to a foreign partner, the existence of a Pact is “one of the elements for assessing personal connections in France.”

The Ministry of the Interior has said that a PACS has to be at least three years old to be considered a defining factor for a permanent residency application. A PACS less than three years old can still be a contributing factor, but the weight attached to it will be at the discretion of authorities in the local area (*département*).

### **Notarial Services at the Consular Section of the Embassy**

Fees for notarial services at the Embassy for affidavits required for a PACS are \$50 for the first consular seal/signature. For each additional consular seal/signature a supplementary fee of \$50 will apply. (One document = \$50, additional documents will cost \$50 each.) You must schedule an online appointment for [this service](#). The forms to be completed will be provided at the time of your appointment. You must bring signed, photo identification and you will be asked to sign this document(s) in the presence of a consular officer.

For further information please refer to any [French consular website](#) in the U.S., or the following webpages:

<http://vosdroits.service-public.fr/particuliers/N144.xhtml>

and

<http://ambafrance-us.org/spip.php?article331>

and at this French [administrative website page](#).

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